

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 09-39

A RESOLUTION OF THE CITY COUNCIL EXPRESSING SUPPORT FOR TRIMET'S WESTSIDE EXPRESS SERVICE (WES) HORN NOISE WAIVER REQUEST TO THE FEDERAL RAILROAD ADMINISTRATION (FRA)

WHEREAS, citizens along TriMet's Westside Express Service (WES) route have been raising concerns about WES train horn noise since 2007; and

WHEREAS, citizens in the City of Tigard expressed those same concerns during the testing period leading to full operation of the commuter trains; and

WHEREAS, complaints have intensified since WES revenue operations commenced in February 2009; and

WHEREAS, TriMet has reduced the train horn noise to the minimum allowed by the Federal Railroad Administration (FRA), but continue to receive complaints that the current level is still unacceptably loud; and

WHEREAS, TriMet is planning to submit a waiver application to the FRA to further reduce the train horn noise from 96 dBA to 80 dBA with the stipulation that the 80 dBA horn would be sounded in conjunction with bells that are rated at 60 dBA; and

WHEREAS, the use of these two warning devices operating simultaneously is expected to result in reduced noise levels without compromising safety; and

WHEREAS, trains will be equipped with 96 dBA horns to be used as needed by the operator in case of an emergency or other situation requiring the louder noise; and

WHEREAS, TriMet is requesting letters of support for the waiver request from the four jurisdictions along the WES route; and

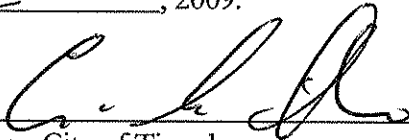
WHEREAS, the City of Tigard supports TriMet's efforts to reduce train horn noise without compromising safety.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Council supports the WES train horn noise waiver request to the Federal Railroad Administration and authorizes the Mayor to sign a letter expressing that support and requesting approval of the request.

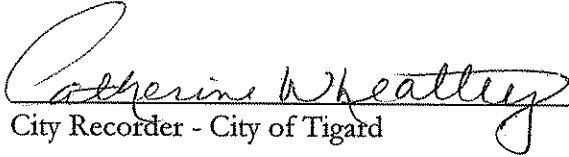
SECTION 2: This resolution is effective immediately upon passage.

PASSED: This 9th day of June, 2009.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

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June 9, 2009

City of Tigard

Mr. Grady C. Cothen, Jr.
Deputy Associate Administrator For Safety
Standards and Program Development
Federal Railroad Administration
1120 Vermont Avenue, NW
RRS-3, Mailstop 25
Washington, DC 20590

RE: Tri-County Metropolitan Transportation District of Oregon (TriMet) petition for waiver of 49 C.F.R. §§ 222.21 and 229.1239 – Westside Express Commuter Rail Service (WES)

Dear Mr. Cothen:

This letter is in support of the Tri-County Metropolitan Transportation District of Oregon (TriMet) petition for waiver of 49 C.F.R. §§ 222.21 and 229.129 for its Westside Express Commuter Rail Service (WES). The petition will shortly be filed with the Federal Railroad Administration (FRA).

The City of Tigard has reviewed, and wholly supports and concurs with the petition for waiver. Citizens of Tigard have been raising concerns about WES train horn noise since testing began prior to full operation. Complaints have intensified since WES revenue operations commenced in February 2009. The City believes the waiver, if granted, would ensure an equivalent level of safety at each of the highway-rail grade crossings along the WES alignment by permitting an 80 dBA horn coupled with 60 dBA bells. Granting of the waiver would help lessen the noise impacts experienced by the community.

In the meantime, the City of Tigard continues to coordinate with TriMet to assess the feasibility of establishing quiet zones under the FRA Final Rule regarding Use of Locomotive Horns at Highway-Rail Grade Crossings issued April 27, 2005. In addition, the City will cooperate with TriMet in any efforts to educate its motorists and pedestrians on grade crossing safety issues.

Sincerely,

Craig E. Dirksen
Mayor